



**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION  
OCTOBER 18, 2006**

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Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins (arrived 7:35 p.m.), Lloyd Kaufman, and Danny Winborne, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh, and Rob Robinson, Planning Intern Allen Meyer, and Recording Secretary Myriam Gonzalez.

**I. APPROVAL OF MINUTES**

October 4, 2006, Planning Commission Meeting

Chair Bauer noted an error on Page 4 as the Planning Awards Program had been named incorrectly.

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the October 4, 2006, Planning Commission Meeting, as corrected.  
Vote: 3-0-1 (Abstained: Winborne)

**II. RECOMMENDATIONS TO MAYOR AND COUNCIL**

T-379 -- Ordinance to amend Chapter 24 of the City Code, entitled "Zoning," to create a new Article XVI, entitled, "Affordable Housing Requirements," §§ 24-248 through 24-254, so as to require the inclusion of moderately priced dwelling units and work force housing units in new residential developments

Chair Bauer stated this item was not ready for review this evening.

Commissioner Winborne moved, seconded by Commissioner Kaufman, to remove T-379 from tonight's agenda.  
Vote: 4-0

SDP-06-003 -- Request to amend the previously approved Schematic Development Plan SDP-L5, Lakelands Phase 3, Section 2 - Lane in the Woods. The current application (SDP-06-003) requests modification to pedestrian facilities, landscape, lighting, and tot lot removal. The subject property is located in the Lakelands subdivision and is in the Mixed Use Development (MXD) Zone.

Planning and Code Administration Director Ossont noted this application was the subject of a joint public hearing on October 3, 2006, with the Commission's record closing on October 13, 2006, and two additional exhibits, which he listed. He briefly reviewed the processes associated with this development that are taking place concurrently with this application. Mr. Ossont referenced the staff's recommendations as listed in the Staff Analysis, which

*Approved minutes are available at [www.gaithersburgmd.gov/minutes](http://www.gaithersburgmd.gov/minutes).*

recommends approval of this SDP, noting that its proposed revisions do not significantly change the original SDP or the character of the neighborhood.

Chair Bauer pointed out that many items in the record are site plan-related, and not specifically pertinent to the SDP, noting that an application for site plan revisions would be forthcoming. Mr. Ossont answered questions of Chair Bauer regarding pathway materials and connections with the GE Property. Chair Bauer referenced the proposed tot lot removal and requested assurance that the recreation facilities as completed are sufficient for the development. Commissioner Hopkins favored this amendment to the original SDP, as it provides flexibility to protect the environment and noted the new tot lot location on Stone Mason Drive is better.

Mr. Ossont referenced the criteria required for SDP approval, as listed in the Staff Analysis, and read for the record the staff's findings that evidenced this SDP meets the MXD Zone SDP requirements.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of SDP-06-003 – Lakelands Lane in the Woods, finding it in accordance with Zoning Ordinance §§ 24-160D.10(b) and 24-198(c).

Vote: 5-0

### III. SITE PLANS

AFP-06-041 -- 340 Tschiffely Square Road in Kentlands                      MXD Zone  
(Shaw Residence)  
1-½ Story Addition to Garage with Porch & Steps  
AMENDMENT TO FINAL PLAN REVIEW

Planning Intern Meyer located the site on an aerial photograph and introduced the applicant.

*Applicant William Wygant, Wygant Construction, 1425 Grase Court, Frederick, Maryland,* discussed the proposal and presented the proposed elevations and photographs of the existing house and garage.

Commissioner Hopkins commented favorably on the proposal.

There was no testimony from the public.

Mr. Meyer indicated the plan meets the criteria for approval, which he listed.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant AFP-06-041, Kentlands - 340 Tschiffely Square Road, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172.

Vote: 5-0

AFP-06-027 -- Goddard School    MXD Zone  
Quince Orchard Park Crescents  
900 Wind River Lane  
13,000-Sq.Ft. Private Educational Facility  
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh noted this site had recently been approved for the reuse from office (SDP-06-002) and this plan is for needed site and minor building elevation changes. She located the site on an aerial photograph and introduced the applicant's representative.

Engineer for the applicant, Brian Donnelly, Macris, Hendricks, & Glascock, presented the previously approved and proposed plans, and discussed the changes of the latter, including building revisions, ingress/egress, parking, and green space/play area and dumpster additions.

Commissioner Hopkins announced he has worked with the engineering firm representing this applicant, noting, however, that this would not affect his impartiality in this review.

Mr. Donnelly answered Commissioners Winborne's and Hopkins's inquiries regarding stacking at drop-off area and speed-calming measures. He also presented the proposed elevations, noting that elevations remain almost unchanged, except for a canopy extension and door revisions.

There was no testimony from the public.

Planner Marsh voiced staff's recommendation for approval, noting the plan meets the criteria for approval, subject to the applicant's compliance with a condition that she listed. Chair Bauer commented favorably on the proposal.

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to grant AFP-06-027 - Goddard School, AMENDMENT TO FINAL PLAN APPROVAL, with the following condition:

1. Applicant shall submit a comprehensive sign package to be approved by staff.

Vote: 5-0

SP-06-0007 -- Washingtonian South Ten  
9711 Washingtonian Boulevard  
Two Office Buildings and Garage  
FINAL PLAN REVIEW

Chair Bauer stated this plan was not ready for review this evening.

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to remove SP-06-0007 from tonight's agenda.

Vote: 5-0

AFP-06-039 -- 10 Highland Avenue  
(Hoiler Residence)  
Garage/Driveway Changes  
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh introduced this application for the replacement of a deteriorated garage that had collapsed. She added that it is before the Commission because the proposed garage location encroaches into the setback required by the Accessory Structures Ordinance [Zoning Ordinance § 24-163(b)(2)] that was adopted in 2004. Ms. Marsh reported that the Historic Preservation Advisory Committee (HPAC) had courtesy-reviewed the plan and made suggestions for the siding and windows, as the property is located in Realty Park, a potential historic district. She located the site on an aerial photograph and presented the location plat and proposed elevations.

In response to questions of the Commission, Ms. Marsh explained that the new 22-foot wide garage, being five feet wider than the original garage, would encroach into the ten-foot setback required by the Code. However, this proposed location would preserve mature trees, allow for a realistic use of the garage and fit in with the garage setbacks typical of Realty Park.

*Applicant Edward Hoiler, 10 Highland Avenue*, answered questions relating to the reasons for not placing the new garage so that there is no encroachment into the required garage setback. He discussed other features of the lot that limit alternative locations. Mr. Hoiler noted there are other properties in the neighborhood with similarly located garages, i.e., close to the lot line.

There was no testimony from the public.

In response to Chair Bauer, Community Planning Director Schwarz provided background information regarding the new setback regulations [§ 24-163(b)(2)] and the resubdivision of this lot, noting the latter makes this lot ineligible for a setback reduction allowed by § 24-163(b)(4) in most Realty Park lots.

Commissioner Kaufman noted that the design of the neighborhood should take precedence over a technicality in the application of the Ordinance, since the structure existed much before the creation of the current regulation. Mrs. Schwarz noted that Commissioner Kaufman's comment is in agreement with Staff's recommendation for amendment of the preliminary subdivision and the site plan to allow the setback reduction so that the garage is consistent with the neighborhood.

Commissioner Hopkins pointed out that approval of the plan would not be violating the accessory structure setback requirement, but establishing it for this lot. Chair Bauer agreed and added that the application is in context with the neighborhood and HPAC had recommended approval. Mrs. Schwarz clarified for the Commission that granting amendment to final plan approval establishes a setback for accessory structures on this lot that complies with the comprehensive design of the neighborhood.

Planner Marsh indicated the plan complies with Zoning Ordinance §§ 24-163, 170 and 172.

Commissioner Winborne moved, seconded by Commissioner Kaufman, to grant AFP-06-039 - 10 Highland Avenue, AMENDMENT TO FINAL PLAN APPROVAL, finding it in conformance with Zoning Ordinance §§ 24-163, 24-170 and 24-172.

Vote: 5-0

AFP-06-040 -- Crown Pointe  
Norwich/Sharpstead Lanes  
Revised Elevations – Norwood Model  
COMPLIANCE WITH CONDITION OF APPROVAL  
RP-T Zone

Planner Robinson located this property on an aerial photograph and provided a brief background relating to this application.

*Applicant representative, Pete Robertson, Ryan Homes*, presented the proposed elevation revisions, noting the changes made since the Commission last reviewed them on September 6, 2006.

In response to Commissioner Kaufman, Mr. Robertson noted the number of units of the Norwood model built on the project would increase. Chair Bauer commented favorably on the

modifications and noted that more units of the Norwood type would be an upgrade. Commissioner Kaufman agreed.

Mr. Robinson stated the plan complies with Zoning Ordinance §§ 24-46, 24-170 and 24-172.

Vice-Chair Levy moved, seconded by Commissioner Hopkins, to grant AFP-06-040 - Crown Pointe, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-46, 24-170 and 24-172.

Vote: 5-0

CSP-06-002 -- Riley Property R-B Zone  
10 Brookes Avenue  
Conversion of Residence to Office with Parking  
CONCEPT PLAN REVIEW

Planner Marsh located the site and introduced this application, noting that it is concurrent with the historic area work permit (HAWP) review process. She reported that the Historic Preservation Advisory Committee (HPAC) had held a public hearing for an HAWP for this property, since it is located in the Brookes, Russell, Walker Historic District.

*Engineer for the applicant, David McKee, Benning Associates, Inc.*, presented and discussed the proposed plan for the conversion of the residence to office space, including the addition of a six-space parking lot to the rear of the house. He also discussed minor changes to the driveway, on-site storm water management (SWM), and landscaping. He indicated the application includes a request for a waiver of the required driveway width and another for one parking space, and discussed the reason for the requests.

*Architect for the applicant, Tom Taltavull*, presented and discussed the proposed elevations and floor plan changes, noting a proposed addition over the existing porch in the rear. He indicated that new materials and roofing would match those of the existing structure. He noted the required secondary egress is provided within the structure, and a handicap wood ramp on the east elevation.

Community Planning Director Schwarz answered questions regarding lighting and noted that new lighting details would be reviewed at the final plan stage.

There was no public testimony.

Planner Marsh voiced staff's recommendation for approval with one condition.

In response to Chair Bauer, Mrs. Schwarz discussed the need for dedication from this property for the right-of-way. She noted that the existing 50-foot right-of-way at the R-B zoned section would not provide sufficient space for any future five-foot sidewalk with planting strip as part of the improvements of the Greater Historic District. She voiced staff's recommendation for five feet of dedication.

Planning and Code Administration Director Ossont requested guidance regarding dedication, adding that an exhibit would be included at the time of preliminary/final plan review to illustrate the Brookes Avenue street design that would include shifting the sidewalk as part of a future improvement project. He noted that the Commission could make its final decision on dedication upon consideration of the Brookes Avenue street design improvement exhibit when this plan comes back for Commission review.

Noting the transitional location of this property, Chair Bauer favored the retention of a residential quality within a historic context on this property and supported a minimum of 5 feet of dedication. He commented favorably on the proposed use, noting its low impact on traffic, and voiced no objections to granting the waiver requests. Commissioner Kaufman also commented favorably on this plan, noting the good use of the existing structure with its historic value. The Commission asked staff to obtain further information about the right-of-way requirements at the next level of review.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant CSP-06-002 - Riley Property, CONCEPT PLAN APPROVAL, with the following condition:

1. Applicant is to adjust the preliminary/final site plan to show the right-of-way dedication as determined by the Planning Commission.

Vote: 5-0

Vice-Chair Levy moved, seconded by Commissioner Winborne, to reconsider the above motion.

Vote: 5-0

Vice-Chair Levy explained that his motion for reconsideration of the previous motion was to remove the listed condition, as it was unnecessary at this time since the Commission had not formally determined the dimension of the right-of-way.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant CSP-06-002 - Riley Property, CONCEPT PLAN APPROVAL.

Vote: 5-0

#### IV. FROM THE COMMISSION

Commissioner Winborne

Thanked staff for the update on previous action items, provided in the meeting package.

#### V. FROM STAFF

Community Planning Director Schwarz

Listed upcoming meetings.

#### VI. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:15 p.m.

Respectfully submitted,

M. Gonzalez  
Recording Secretary